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HIGH COURT OF CHHATTISGARH: BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI S.R.NAYAK, C.J.
HON'BLE SHRI SATISH K. AGNIHOTRI, J.

Writ Petition (C.)No.5428 OF 2006

Petitioners

1. Kumari Sonia, Daughter of Shri Shrichand Singh, Age about 19 years 10 months, Permanent resident of Village and Post Lutu, Tehsil Malsisar, District Jhunjhunu, Rajasthan, Local Address - C/o Parmeshwar Sharma, 751, Adarsh Chowk, Sundar Nagar Raipur, Chhattisgarh

2. Miss Poonam Kumari, Daughter of Shri Data Ram, Age about 19 years 10 months, Permanent resident of Village and Post Charawas, Tehsil Khetadi, District Jhunjhunu, Rajasthan, Local address - C/o Parmeshwar Sharma, 751, Adarsh Chowk, sundar nagar Raipur, Chhattisgarh

Versus

Respondents

1. State of Chhattisgarh, through Secretary, Higher Education Department, Mantralaya, D.K.S.Bhawan, Raipur, Chhattisgarh

2. Chhattisgarh Vyavasaik Pariksha Mandal, through Director, C-168, Tagore Nagar, Raipur, Chhattisgarh

3. The Chairman, B.Ed, Course Admission Counseling Committee and Principal, Government Education College, Shankar Nagar, Raipur, Chhattisgarh

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Present : Shri Sachin Singh Rajput, learned counsel for the petitioners.
Shri Prashant Mishra, learned Additional AG with Shri Utkarsh Verma, learned Dy GA for the State.

(ORAL ORDER)
(6TH OCTOBER 2006)

The following order of the Court was passed by

S.R.Nayak, C.J.

The petitioners having appeared in the pre-B.Ed examination conducted by the Chhattisgarh Vyavasaik Pariksha Mandal, the 2nd respondent herein passed the examination and obtained 3442 and 6622 ranks, respectively. The grievance of the petitioners is that though they have obtained ranks 3442 & 6622 in the pre-B.Ed. examination, they were not admitted to the B.Ed. Course on the ground that they have not completed 20 years of age as on 31st December 2006. In the circumstance, this writ petition is filed under Article 226 of the Constitution of India assailing the validity of Rule 3 (c) of Chhattisgarh B.Ed. Admission Rules, 2006 (for short 'Rules') which prescribes the minimum age qualification for the candidates for admission to B.Ed. Course.

(2) We have heard learned counsel for the parties.

(3) It was contended by learned counsel for the petitioners that in the notification calling for applications for appearance in the B.Ed. examination no age qualification was prescribed and, therefore, it was totally irrational for the 2nd respondent to deny admission on the basis of the provisions of Rule 3 (c) of the Rules. It was alternatively contended that the age qualification prescribed under Rule 3 (c) of the Rules is arbitrary, un reasonable and it can not stand the scrutiny of Article 14 of the Constitution of India.

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(4) Having heard learned counsel for the parties, we do not find any merit in the writ petition. It is well settled that it is not within the domain of the reviewing Court to call in question the relevancy and suitability of qualifications including age qualification prescribed for any post or admission, unless in a given case it is demonstrably shown that the qualification so prescribed by the recruiting/admitting agency is *ex facie* irrational and illegal and there is no nexus with the object to be achieved. The B.Ed. graduates are appointed as teachers to impart education in schools. Therefore, it is universally accepted that the teachers should have matured mind to impart education to students. In that view of the matter, the age qualification prescribed under Rule 3 (c) of the Rules that candidates to B.Ed course should have the minimum age of 20 years could not be condemned as irrational and arbitrary.

(5) The first contention of the learned counsel for the petitioners is required to be noticed only to be rejected. Even assuming that in the notification calling for applications from the candidates to appear for pre-B.Ed. examination, age qualification as reflected in Rule 3 (c) of the Rules was not incorporated, that circumstance itself would not invest any enforceable right in the petitioners to insist that regardless of their age, they should be admitted to the B.Ed. course in utter violation of the mandatory provisions of Rule 3 (c) of the Rules. Since the petitioners seek admission to the B.Ed. course under the Rules, they should satisfy the mandatory conditions of admission. Admittedly, both the writ petitioners did not possess age qualification to apply and to be considered for

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admission to B.Ed. course during this academic year. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

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